THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.16317 of 2005

DATE: 25-7-2005

Between:

K.Suryachandra Rao and three others .. Petitioners

And

The Government of A.P. rep. By its Secretary, Endowments Department and seven others .. Respondents

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.16317 of 2005

ORAL ORDER:

Heard Sri G.V.Shivaji, learned counsel for the petitioner, the learned Government Pleader for Endowments and Smt. N.Indrani appearing for respondents 6 and 7.

The auction notification dated 18-7-2005 issued by the 6th respondent proposing to hold auction on 25-7-2005 is challenged in this writ petition as being contrary to Rule 11 of the Rules notified under G.O.Ms.No.379 dated 11-3-2003. Rule 11 relates to publication of auction notice and thereunder a copy of the auction notice shall be published in the language of the locality at least ten days prior to the date fixed for auction.

Sri G.V.Shivaji, learned counsel for the petitioner contends that the auction notice dated 18-7-2005 was issued proposing to hold auction on 25-7-2005 which is three days less than the minimum period of 10 days as prescribed in Rule 11 of aforesaid rules. Learned counsel for the petitioner also contends that he challenged the order of the Regional Joint Commissioner confirming the order of the Assistant Commissioner.

Since the notification dated 18-7-2005 runs contrary to the statutory requirement of

Rule 11, the said notification is set aside. This order shall not preclude the 6th respondent from issuing a notification afresh in compliance with Rule 11 of the Rules notified in G.O.Ms.No.379 dated 11-3-2003. Needless to state that since the writ petition is being allowed on the ground of violation of Rule 11, the other questions are left upon for consideration in appropriate proceedings, if such a necessity arises.

The writ petition is accordingly allowed.

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25-7-2005

Note:

C.C. in two days

B/o

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